

GM



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,866	06/15/2001	Peter Goodings	34649-00448USPT	9602

7590 02/26/2004

JENKENS & GILCHRIST
3200 Fountain Place
1445 Ross Avenue
Dallas, TX 75202-2799

EXAMINER

PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
----------	--------------

2684

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,866

Applicant(s)

GOODINGS ET AL.

Examiner

Angelica M. Perez

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Soini (Soini et al., US Patent No.: 6,445,932).

Regarding claim 12, Soini teaches of a mobile radio device comprising (figure 1): a touch screen on a main housing (figure 1, item 15); a switch (figure 4, item 43), the switch having a first position and a second position (figure 4, item 43). Soini also teaches of a mode change generator responsive to the switch (see figures 1 and 2; item 19, e.g. "hinge" corresponds to the "change generator"), the mode change generator operable to produce a mode change signal (column 3, lines 48-54); and a memory

on/off

open/close position *on/off*

open / terminal mode

closed / mobile mode

Art Unit: 2684

storage operable to store data upon receiving the mode change signal from the mode change generator (figure 4, items 40 and 47). ^{when used in closed position memory gets} (col 5, lines 41-45 activated

Regarding claim 13, Soini in view of Iwata teaches ^{when in open, micro-instead} all the limitations according to claim 12. Soini further teaches of a rotating flip attached to the housing, the flip positionable in an open position and a closed position (see figures 1 and 2; item 19, e.g. "hinge" corresponds to the rotating flip); where the switch is activated by a position of the flip; ^{changes to tel/device} and where the closed position of the flip corresponds to the first position of the switch and the open position of the flip corresponds to the second position of the switch (column 3, lines 48-54).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soini (Soini et al., US Patent No.: 6,445,932) in view of Iwata (Iwata et al.; US Patent No.: 6,535,749).

3. Regarding claim 1, Soini teaches of a method for storing data in a wireless communication device comprising the following steps (column 1, lines 1-14): starting an application in a second mode (column 7, lines 25-30; where the second mode can be either of the "telefax service" or "SMS service") opening an edit view for receiving data;

Art Unit: 2684

displaying the data received in the edit view (column 10, lines 28-33 and column 7, lines 30-40; e.g. "user editing the file" corresponds to "opening edit view" and "displaying data"); and storing the data from the edit view in response to the mode change (column 9, lines 29-47; where the "folding to the mobile telephone position" corresponds to the "first mode" explained on columns 3 and 4, lines 59-67 and 1-21, respectively). *col 7, lines 30-40, stored in memory segment*

Soini does not specifically teach of detecting the mode change during the edit view.

Iwata, in related art concerning a portable information terminal, teaches of detecting the mode change (column 1, lines 48-51; where the "status" corresponds to the "mode").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Soini's storing data method with Iwata's detection mode means so that the device can operate according to the mode detected).

Regarding claim 2, Soini in view of Iwata teaches all the limitations according to claim 1. In addition, Soini teaches where the wireless communication device is in the first mode when a flip of said wireless communication device is in a closed position and said wireless communication device is in the second mode when said flip of the wireless communication device is in an open position; and the mode change is accomplished by changing a position (columns 3 and 4, lines 59-67 and 1-21).

Regarding claim 5, Soini and Iwata teach all the limitations of claim 1. Soini further teaches of waiting for a mode change from the first mode to the second mode; opening the edit view again if a mode change from the first mode to the second mode is

Art Unit: 2684

detected; reading the stored data from the memory storage; and loading the data to a display unit (column 7, lines 19-40).

Regarding claim 6, Soini in view of Iwata teaches all the limitations according to claim 1. Iwata further teaches where the steps are implemented as software that is stored in a storage media and used by an application controller (columns 30 and 31; lines 46-67 and 1-10, respectively).

Regarding claim 7, Soini in view of Iwata teaches all the limitations according to claim 1. Iwata also teaches where the steps of changing from a first mode to a second mode comprises moving a flip to activate a mode change generator (column 12, lines 45-50; e.g. where the "change generator" is a "switch").

Regarding claim 8, Soini and Iwata teach all the limitations of claim 7. Iwata further teaches where the mode change generator generates a mode change signal when a position of the flip is changed (column 13, lines 12-17).

Regarding claim 9, Soini and Iwata teach all the limitations of claim 8. Iwata also teaches where the mode change generator is a switch (column 12, lines 45-50).

Regarding claim 10, Soini in view of Iwata teaches all the limitations according to claim 5. Iwata further teaches where the steps of waiting, opening, reading and loading are implemented by software that is stored in a storage media and used by the application controller (column 30, lines 46-67 and column 31, lines 1-10).

Regarding claim 11, Soini in view of Iwata teaches all the limitations according to claim 10. Soini also teaches where the wireless communication device includes at least two sets of applications (column 4, lines 3-5 and 8-17); Iwata further teaches where at
(applications KWS 21, fig 1)

least one of the applications is available in only one of the sets of the applications and where a change between the sets of the applications is accomplished when a mode change is detected by the application controller (column 12, lines 45-60 and column 13, lines 12-17).

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soini in view of Iwata as applied to claims 1,2,5-13 above, and further in view of Hayashi (Hayashi, Keiichi; US Patent No.: 6,650,913 B1).

Regarding claim 3, Soini in view of Iwata teaches all the limitations according to claim 2.

Soini in view of Iwata does not specifically teach the step of closing the application automatically after the mode change.

In related art concerning an open/close state detection mobile telephone unit, Hayashi teaches the step of closing the application automatically after the mode change (column 6, lines 1-12).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Soini's and Iwata's close/open storing data communication device with Hayashi's automatic closing application after the change in mode in order to save battery power when the application is not being utilized.

Regarding claim 4, Soini in view of Iwata teaches all the limitations according to claim 2. Hayashi further teaches of closing the application automatically after the mode change; then showing a standby screen on a display of the wireless device (columns 4 and 5; lines 66-67 and 1-3, respectively).

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soini in view of Hayashi (Hayashi, Keiichi; US Patent No.: 6,650,913 B1).

Regarding claim 14, Soini teaches all the limitations according to claim 12.

Soini does not specifically teach of a plurality of fixed radio base stations for handling radio traffic associated with the mobile radio device when the switch is in the first position.

In related art concerning an open/close state detection mobile telephone unit, It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Soini's and teaches of a plurality of fixed radio base stations for handling radio traffic associated with the mobile radio device when the switch is in the first position (figure 3, items 20-1 through 20-3).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Soini's close/open storing data communication device and Hayashi's plurality of fixed radio base stations in order to provide a backed up reliable service for the communication devices.

Art Unit: 2684

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.


Angelica Perez
(Examiner)


NAY MAUNG
SUPERVISORY PATENT EXAMINER

Art Unit 2684

February 18, 2004